IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.1537 OF 2007

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Ms. M.H.Mhatre APP for State

Coram : R.S.Mohite, J

Date : 28.11.2007

PC

1. This is an application for leave to appeal filed by the State. Leave is sought to enable an appeal to be filed against the judgment and order dated 22nd September, 2006 passed by the J.M.F.C.Railway Court, Pune in R.C.C.Case No.34 of 2003 whereby the accused have been acquitted for the offence punishable under section 3 (a) of the Railways Property (Unlawful Possession) Act. 1966. A perusal of the judgment and order indicates that the same is based on plausible reasons. Accused no.1 was the driver of the vehicle which was accosted at the gate of the station. It was alleged that he was carrying one extra parcel which was railway property. The Investigation Officer has admitted that the wooden parcel is not produced before the Court. The gate pass which was seized and which is alleged to be in respect of some other parcels which were in the vehicle did not bear the number of the vehicle. It is further admitted that on the date of the incident he had not received any information of theft. The seizure panchas did not support the prosecution case. The view taken is a possible view. Hence, leave refused. Consequently, appeal papers to be filed.

(R.S.Mohite,J)